

PRYOR CASHMAN LLP  
Ilene S. Farkas (*pro hac vice*)  
[ifarkas@pryorcashman.com](mailto:ifarkas@pryorcashman.com)  
M. Mona Simonian (*pro hac vice*)  
[msimonian@pryorcashman.com](mailto:msimonian@pryorcashman.com)  
Marion R. Harris (*pro hac vice*)  
[mharris@pryorcashman.com](mailto:mharris@pryorcashman.com)  
Brian M. Maida (*pro hac vice*)  
[bmaida@pryorcashman.com](mailto:bmaida@pryorcashman.com)

7 Times Square  
New York, New York 10036  
Phone: (212) 421-4100  
Fax: (212) 326-0806

BRAUNHAGEY & BORDEN LLP  
Adam S. Cashman (State Bar No. 255063)  
[cashman@braunhagey.com](mailto:cashman@braunhagey.com)  
747 Front Street, 4th Floor  
San Francisco, California 94111  
Phone: (415) 599-0210  
Fax: (415) 599-0210

*Attorneys for Plaintiff  
Epidemic Sound, A.B.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

## EPIDEMIC SOUND, AB,

Plaintiff,

VS.

META PLATFORMS, INC., f/k/a FACEBOOK,  
INC.,

**Defendant.**

CASE NO. 3:22-cv-04223-JSC  
(Alleged Rel. Case No. 3:25-cv-10355-JD)

## **PLAINTIFF EPIDEMIC SOUND, AB'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED**

## The Honorable Jacqueline Scott Corley

1 Pursuant to Local Rules 7-11 and 3-12, Plaintiff Epidemic Sound, AB (“Epidemic”)  
 2 respectfully moves for an order to deem related the underlying action in this District (Case No.  
 3 3:22-cv-04223-JSC, *Epidemic Sound, AB v. Meta Platforms, Inc., f/k/a Facebook, Inc.*, “*EvM I*”),  
 4 brought against Defendant Meta Platforms, Inc. (“Meta”), and the pending action filed in this  
 5 District (Case No. 3:25-cv-10355-JD, *Epidemic Sound, AB v. Meta Platforms, Inc., f/k/a*  
 6 *Facebook, Inc.*, “*EvM II*,” and with *EvM I*, the “Actions”), also brought against Meta, for the  
 7 reasons set forth below.

8       **I. STATEMENT OF THE RELATIONSHIP OF *EV M I* AND *EV M II***

9 Pursuant to Local Rule 3-12(a), “[a]n action is related to another when: (1) [t]he actions  
 10 concern substantially the same parties, property, transaction, or event; and (2) [i]t appears likely  
 11 that there will be an unduly burdensome duplication of labor and expense or conflicting results if  
 12 the cases are conducted before different Judges.” Both requirements are satisfied here.

13       **A. The Actions Concern Substantially The Same Parties, Property, Transaction and  
 14                          Event**

15       The Actions have complete identity of the parties. In both Actions, Epidemic is the only  
 16 plaintiff and Meta is the only defendant. (*Compare EvM I*, Dkt. 1 ¶¶ 13-15 with *EvM II*, Dkt. 1  
 17 ¶¶ 14-17.)

18       Moreover, the Actions concern substantially the same property, transaction and event. In  
 19 both Actions, Epidemic is suing Meta for the massive infringement of hundreds of copyrighted  
 20 musical works – in which Epidemic owns 100% of the rights to the sound recordings and musical  
 21 compositions – in its catalog.<sup>1</sup>

22       The method of infringement is also the same in both Actions. As in *EvM I*, *EvM II* asserts  
 23 that Meta has committed mass infringement by, without authorization, (1) offering, reproducing  
 24 and distributing Epidemic’s works for streaming, synchronization and other uses through the  
 25 Audio Library (Meta’s curated collection of purportedly, but not actually, licensed music tracks

---

26       <sup>1</sup> While the same intellectual property is infringed in both Actions – Epidemic’s copyrighted sound  
 27 recordings and musical compositions – there is no overlap between the infringed works in *EvM I*  
 28 and *EvM II*. That is, in *EvM II*, Epidemic is suing Meta for the infringement of a completely new  
 representative set of at least 1,000 works, none of which are at issue in *EvM I*. Meta’s infringement  
 has not stopped.

1 made available to its billions of users to exploit in connection with content posted on Meta’s  
 2 platforms) (*compare EvM I*, Dkt. 1 ¶¶ 26-30 *with EvM II*, Dkt. 1 ¶¶ 28-35); and (2) making  
 3 available to its users tools – Original Audio and Reels Remix – that enable and encourage viral  
 4 free synchronization of Epidemic’s copyrighted music by permitting the “ripping” of Epidemic’s  
 5 music from one post and reproduction into a different post. (*Compare EvM I*, Dkt. 1 ¶¶ 29-42 *with*  
 6 *EvM II*, Dkt. 1 ¶¶ 36-59.) And in both Actions, Epidemic asserts that Meta’s infringement was  
 7 willful, in part because Meta has refused (and *still refuses*) to grant Epidemic access to the rights  
 8 management tool that is designed to help music rightsholders identify and address infringement  
 9 on Meta’s platforms (and which Meta offers to other music rightsholders, but not Epidemic) and  
 10 because Meta has continued infringing Epidemic’s works despite having been on notice of its  
 11 infringement for years. (*Compare EvM I*, Dkt. 1 ¶¶ 43-57 *with EvM II*, Dkt. 1 ¶¶ 60-78.)

12 Finally, the Actions assert the same causes of action against Meta, namely: (1) direct  
 13 copyright infringement (*compare EvM I*, Dkt. 1 ¶¶ 58-66 *with EvM II*, Dkt. 1 ¶¶ 79-102);  
 14 (2) inducement of copyright infringement (*compare EvM I*, Dkt. 1 ¶¶ 67-73 *with EvM II*, Dkt. 1  
 15 ¶¶ 103-126); and (3) contributory copyright infringement. (*Compare EvM I*, Dkt. 1 ¶¶ 74-80 *with*  
 16 *EvM II*, Dkt. 1 ¶¶ 127-144).<sup>2</sup>

17 The Actions clearly concern substantially the same parties, property, transaction and event.

18 **B. There Will Be an Unduly Burdensome Duplication of Labor and Expense or Risk  
 19 of Conflicting Results If the Cases Are Conducted Before Different Judges**

20 Relating the Actions will greatly reduce the burden on the parties and the Court.

21 As an initial matter, this Court has already denied Meta’s motion to dismiss the complaint  
 22 in *EvM I* (Dkt. 37), a motion that delayed the prosecution of Epidemic’s claims and should have  
 23 never been filed. Because the complaint in *EvM II* is substantively the same as the complaint in  
 24  
 25

---

26  
 27 <sup>2</sup> *EvM II* asserted separate causes of action for infringement of Epidemic’s sound recordings and  
 28 compositions (e.g., a direct copyright infringement claim for Epidemic’s sound recordings and a  
 separate direct copyright infringement claim for the underlying musical compositions). *EvM I*  
 asserted both (distinct) infringements under the same causes of action. Nonetheless, the causes of  
 action are the same.

1      *EvM I*, the relation of the Actions should reduce the risk that Meta seeks to make the same flawed  
 2 arguments for dismissal to a different Judge.<sup>3</sup>

3      Further, as this Court knows too well, discovery in *EvM I* was rife with disputes and, having  
 4 lasted nearly three years, was extremely expensive. The Court's helpful guidance and resolution  
 5 of many discovery disputes in *EvM I* should greatly streamline discovery in *EvM II*, which will  
 6 concern much of the same (or similar) documents and data as in *EvM I*.

7      Finally, this Court's resolution of Epidemic's pending motion for summary judgment in  
 8 *EvM I* (Dkt. 360) should limit (or completely eliminate) any potential defenses Meta may assert in  
 9 *EvM II*.

10     **II. CONCLUSION AND RELIEF SOUGHT**

11     For the foregoing reasons, Epidemic respectfully requests that Case No. 3:25-cv-10355-  
 12 JD be deemed related to Case No. 3:22-cv-04223-JSC and that Case No. 3:25-cv-10355-JD be  
 13 assigned to this Court for all purposes.

14

15

Respectfully submitted,

16

Dated: December 3, 2025

PRYOR CASHMAN LLP

17

18

By: /s/ Brian M. Maida  
 Brian M. Maida

19

20

Ilene Farkas (*pro hac vice*)  
 ifarkas@pryorcashman.com  
 M. Mona Simonian (*pro hac vice*)  
 msimonian@pryorcashman.com  
 Marion R. Harris (*pro hac vice*)  
 mharris@pryorcashman.com  
 Brian M. Maida (*pro hac vice*)  
 bmaida@pryorcashman.com  
 7 Times Square  
 New York, NY 10036  
 Telephone: +1.212.421.4100

21

22

23

24

25

*Attorneys for Plaintiff Epidemic Sound, AB*

26

27

---

<sup>3</sup> Indeed, Meta has, at least once already, sought to rehash the dismissal arguments that this Court rejected. *See, e.g., Eight Mile Style, LLC v. Meta Platforms, Inc.*, Case No. 25-cv-11618-BRM-DRG. Meta's motion to dismiss in that case is pending as of this filing.